ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

# § 3509. Conflict of interest; personnel and activities covered

Members of the Council and Institute Fellows shall avoid any action, in their activities with respect to the Institute, which might result in, or create the appearance of, a conflict of interest, including but not limited to—

- (1) using their office or position for private gain;
- (2) giving preferential treatment to any person;
- (3) making recommendations or decisions relating to any activity authorized by this chapter in other than an impartial and independent manner:
- (4) misusing Government property or official information obtained through their office or position which has not been made available to the general public; or
- (5) affecting adversely the confidence of the public in the integrity of the Institute.

(Pub. L. 96-53, title IV, §409, Aug. 14, 1979, 93 Stat. 376.)

## § 3510. Authorization of appropriations

There are authorized to be appropriated to the President to carry out this chapter, in addition to funds otherwise available for such purpose, \$12,000,000 for the fiscal year 1981. Funds appropriated under this section are authorized to remain available until expended.

(Pub. L. 96-53, title IV, §410, Aug. 14, 1979, 93 Stat. 376; amended Pub. L. 96-533, title III, §312, Dec. 16, 1980, 94 Stat. 3148.)

#### AMENDMENTS

 $1980—Pub.\ L.\ 96–533$  substituted appropriations authorization of \$12,000,000 for fiscal year 1981 for such authorization of \$23,750,000 for fiscal year 1980.

#### § 3511. Repealed. Pub. L. 98-164, title X, § 1011(a)(6), Nov. 22, 1983, 97 Stat. 1061

Section, Pub. L. 96-53, title IV, §411, Aug. 14, 1979, 93 Stat. 376, required the President to submit an annual report to Congress relating to the operations of the Institute during the preceding fiscal year, and set forth the contents of such report.

# § 3512. Repealed. Pub. L. 105–277, div. G, subdiv. A, title XIV, § 1422(b)(5), Oct. 21, 1998, 112 Stat. 2681–793

Section, Pub. L. 96–53, title IV, §413, Aug. 14, 1979, 93 Stat. 377, related to establishment of Institute within International Development Cooperation Agency.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Apr. 1, 1999, see section 1401 of Pub. L. 105–277, set out as an Effective Date note under section 6561 of this title.

#### § 3513. Expiration of statutory authorities

The authorities contained in this chapter shall expire on September 30, 1984.

(Pub. L. 96-53, title IV, §414, Aug. 14, 1979, 93 Stat. 377.)

#### CHAPTER 51—PANAMA CANAL

Sec.
3601. Congressional statement of purpose.
3602. Definitions.

- (a) References to Panama Canal Treaty of 1977 and related agreements.
- (b) Definitions.
- (c) Applicability of subsection (b).
- (d) Definitions relating to Canal transition.

## SUBCHAPTER I—ADMINISTRATION AND REGULATIONS

PART 1—PANAMA CANAL COMMISSION

3611. Establishment, purposes, offices, and residence of Commission.

3612. Supervisory Board.

- (a) Composition of Board.
- (b) Membership of Board; appointing authority; compensation and travel expenses; compensation for non-Government Board members.
- (c) Meetings; quorum; proxies.

3612a. General powers of Commission.

- (a) Corporate seal.
- (b) Bylaws.
- (c) Suits by and against Commission.
- (d) Contracts, leases, agreements, or other transactions.
- (e) Obligations and expenditures.
- (f) Priority in payment of debts out of bankrupt estates.
- (g) Appointment of notaries public.
- (h) Limitations on authority.

3612b. Specific powers of Commission.

- (a) Panama Canal management, operation, and maintenance.
- (b) Establishment, maintenance, and operation of activities, facilities, and appurtenances.
- (c) Use of United States mails.
- (d) Necessary or appropriate actions.
- (e) Commercial activities.
- (f) Donations.
- 3613. Administrator.
  - (a) Appointment.
  - (b) Compensation.
  - (c) Authority for dual role.
  - (d) Waiver of ethics and reporting requirements.
- 3614. Deputy Administrator.
  - (a) Appointment and duties.
  - (b) Compensation.
- 3615. Consultative Committee.
  - (a) Designation and coordination.
  - (b) Functions.
- 3616. Joint Commission on the Environment.
  - (a) Establishment; composition.
    - (b) Appointment; compensation and travel expenses.
    - (c) Protection of pay, seniority, or other rights or benefits of appointed or detailed Federal employees.
    - (d) Compensation of necessary personnel.
    - (e) Rules of procedure; establishment; approval.

(b) Additional amounts for relief under

subsection (a).

Sec. 3617. Travel expenses. SUBPART II—WAGE AND EMPLOYMENT PRACTICES 3618. Defense of Panama Canal. 3651. 3619. Joint sea level canal study. 3652. Panama Canal Employment System; merit (a) Committee; appointment of repand other employment requirements. resentatives. (a) Establishment; merit and other em-(b) Transmittal of study to President of ployment requirements. Senate and Speaker of House of (b) Applicability to any Executive agen-Representatives. cy and Smithsonian Institution. (c) Congressional authorization respect-Exclusion of employees or positions ing construction of sea level canal. from coverage. 3620 Authority of Ambassador; independence of 3653. Employment standards. Commission regarding its Panama Canal re-3654, 3655. Repealed. sponsibilities. 3656. Uniform application of standards and rates. (a) Authority of Ambassador. 3657. Recruitment and retention remuneration. (b) Independence of Commission regard-(a) Repealed. ing its Panama Canal responsibil-(b) Restriction. (c) Recruitment and relocation bonuses. (c) Agreements for United States to pro-(d) Retention bonuses. vide post-transfer administrative (e) Limit on compensation. services for certain employee bene-Quarters allowances.

(a) "Position" and "employee" defined. 3657a. 3621. Security legislation. (b) Covered employees. 3622. Code of conduct for Commission personnel. (c) Determination of amount. (a) Oath; compliance with laws of United (d) Inapplicability of election under sec-States regarding duties and respontion 3652(b) of this title. sibilities of Federal employees. 3658. Benefits based on basic pay. (b) Adoption of code of conduct; time 3659 Repealed. limit; contents. Review and adjustment of classifications, 3660. (c) Investigations by Commission regrades, and pay level. specting violations; recommenda-3661 Panama Canal Board of Appeals; duties. tions for suspension. 3662. Appeals to Board; procedures. (d) Measures to insure compliance with (a) Persons entitled to appeal; form; code of conduct. time. (e) Waiver of post-employment restric-(b) Personal appearance. tions. (c) Consideration of evidence; decision. (f) Consent for acceptance of employ-(d) Finality of decision. ment by Panama Canal Authority. 3663. Repealed. 3623 Office of Ombudsman. 3664. Applicability of title 5. (a) Establishment; appointment of Om-3665. Repealed. budsman; functions. (b) Authority to make findings, render SUBPART III—CONDITIONS OF EMPLOYMENT AND assistance, and offer recommenda-PLACEMENT tions. 3671. Transferred or reemployed employees. (c) Effect on procedures for grievances, (a) Terms and conditions of employment. appeals, or administrative matters (b) Break in service. under this chapter, in other provi-(c) Applicability of sections 903(c) and sions of law, or in Federal regula-904(a)(2) of title 20; sabbaticals. tions. 3672.Placement. (d) Termination date (a) Citizens separated from employment with Panama Canal Company or PART 2—EMPLOYEES Canal Zone Government. SUBPART I—PANAMA CANAL COMMISSION PERSONNEL (b) Citizens eliminated from employment 3641. Definitions. with Executive agency or Canal 3642. Appointment and compensation; duties. Zone Government as a result of im-(a) Officers and employees. plementation of Panama Canal (b) Eligibility to serve as officer or employee of Commission. Treaty of 1977. (c) Establishment and administration of (c) Salary protection. program by Office of Personnel Transfer of Federal employees. Management. 3643. (a) Authority to enter into agreements; (d) Effective date. reemployment rights. 3673. Transition separation incentive payments. "Agency" defined. SUBPART IV-RETIREMENT (c) Regulations. 3644. Compensation of individuals in uniformed 3681. Retirement under special treaty provisions. services. (a) Purchase of retirement equity; indi-(a) Individual serving in a position in viduals entitled to participate. Commission. (b) Limitation on amount paid to Social (b) Individual appointed as Administrator, Deputy Administrator, or Security System of Republic of Panama. Chief Engineer. (c) Purchase of nontransferable deferred annuity; employees entitled to par-(c) Reimbursement to uniformed service. Deduction from basic pay of amounts due for 3645. ticipate. supplies or services. 3682. Administration of certain disability benefits. 3646, 3647. Repealed. (a) Continuation of cash relief payments Privileges and immunities of certain employ-3648 to employees under Act of July 8. 1937.

Applicability of certain benefits.

Air transportation.

3649

3650

Sec.

- (c) Increases in cash relief payments.
- (d) Cash relief payments to widows.
- (e) Applicability of subchapter III of chapter 83 of title 5.

3683. Repealed.

SUBPART V-APPLICATION TO RELATED PERSONNEL

3691. Individuals considered employees.

- (a) Individuals considered employees for purposes of certain sections.
- (b) Individuals considered employees for certain purposes.

SUBPART VI-LABOR-MANAGEMENT RELATIONS

3701. Labor-management relations.

- (a) Applicability of chapter 71 of title 5.
- (b) United States laws applicable.
- (c) Resolution of collective bargaining impasses.

PART 3—FUNDS AND ACCOUNTS

SUBPART I—FUNDS

3711. Repealed.

Panama Canal Revolving Fund. 3712.

(a) Establishment.

- (b) Tolls and other receipts into Panama Canal Revolving Fund; restriction on use of funds.
- (c) Authority of Commission to make deposits.
- (d) Costs of implementation.
- (e) Termination of Commission and Office of Transition Administration; transfer of Fund.

3712a. Authority to lease office space.

Panama Canal emergency authority. 3713.

3714. Borrowing authority.

- (a) Limitation on amount; issuance of notes and other obligations.
- (b) Restrictions on use.
- (c) Effect on investment interest in Panama Canal.

(d) Report to Congress.

3714a. Dissolution of Commission.

- (a) Study and report.
- (b) Termination office.
- (c) Panama Canal Commission Dissolution Fund.

3714b Printing

Establishment of Compensation Fund. 3715

3715a. Operation of Fund.

- (a) Deposits to Fund.
- (b) Calculation of amounts to be deposited.
- (c) Investment of amounts in Fund.

3715b. Transfers from Fund for compensation bene-

3715c. Final evaluation of Fund; deficiency or surplus in Fund.

- (a) Final evaluation of Fund.
- (b) Deficiency or surplus in Fund.
- (c) Continuity of Fund.

Continuation of benefits. 3715d.

SUBPART II—ACCOUNTING POLICIES AND AUDITS

3721. Accounting policies.

- (a) Establishment and maintenance of accounts; specifications.
- (b) Regulations establishing the basis of accounting for assets.

3722. Repealed.

3723. Audits.

- (a) Financial transactions of Commission; access to books, accounts, etc.
- (b) Omitted.
- (c) Independent auditors.
- (d) Examination and report on Commission's financial forecast.

SUBPART III—INTERAGENCY ACCOUNTS

3731. Reimbursements.

- (a) Reimbursement of the Employees' Compensation Fund, Bureau of Employees' Compensation, Department of Labor, and other Government departments and agencies by Commis-
- (b) Reimbursement of Commission by Department of Defense.
- (c) Designation of funds of Department of Defense or any other department or agency of United States to carry
- out purposes of this subsection.
  (d) Reimbursement to departments or agencies furnishing services.

(e) Repealed.

- (f) Reimbursement of United States by Republic of Panama for salaries and other employment costs.
- (g) Operation of Canal Zone College.
- (h) Prohibition of funds for uses other than Commission activities.

SUBPART IV—POSTAL MATTERS

3741. Postal service.

- (a) Possession or administration of funds by Commission.
- (b) Expiration of responsibility for unpaid balances.
- (c) Mail addressed to Canal Zone from or through United States.

SUBPART V-ACCOUNTS WITH REPUBLIC OF PANAMA

3751. Payments to Republic of Panama.

- (a) Payments required under Panama
  Canal Treaty; annual audit.
- (b) Excess operating revenues.
- (c) Retroactive taxation.
- (d) Accumulated unpaid balances.
- Toll rates; payment of costs of operation and maintenance of canal with unexpended funds.
- (f) Prohibitions.(g) Exemption from automatic budget cuts.

Transactions with Republic of Panama. 3752.

- (a) Commission assistance on reimbursable basis.
- (b) Commission assistance on nonreimbursable basis.
- Other department or agency assistance on reimbursable basis.

3753 Disaster relief. 3754.

3771.

Congressional restraints on property transfers and tax expenditures; formal apprisal of Panama.

PART 4—CLAIMS FOR INJURIES TO PERSONS OR PROPERTY

SUBPART I—GENERAL PROVISIONS

3761. Settlement of claims generally.

- (a) Claims for injury to, or loss of, property or personal injury or death arising from operation of Panama Canal.
- (b) Limitation on amount of claims.
- (c) Source of award; release.
- (d) Action for damages on claims cognizable under this part; action against officers or employees of United States for injuries resulting from acts outside scope of their employment.
- (e) Applicability of provisions of section 1346 and chapter 171 of title 28.

SUBPART II—VESSEL DAMAGE

Injuries in locks of canal; adjustment and payment of claims.

§ 3601	TITLE 22—FOREIGN RELA
Sec. 3772.	Injuries outside locks.
3773.	Measure of damages generally.
3774.	Delays for which no responsibility is as-
0111.	sumed.
3775.	Settlement of claims.
3776.	Actions on claims.
3777.	Investigation of accident or injury giving rise
	to claim.
3778.	Board of local inspectors.
3779.	Insurance.
	D 5 D D
	PART 5—PUBLIC PROPERTY
3781.	Assets and liabilities of Panama Canal Com-
	pany.
3782.	Transfers and cross-servicing between agen-
	cies.
	(a) Transfers of facilities, buildings,
	structures, improvements, stocks
	and equipment located in the Re-
	public of Panama.
	(b) Cross-servicing agreements.
	(c) Transfer of records to Government of
	Republic of Panama. (d) Applicability to Smithsonian Institu-
	tion.
3783.	Disposition of property of United States.
3784.	Transfer of property to Republic of Panama.
0.01.	(a) Conveyance of Panama Railroad.
	(b) Transfer of certain property pursuant
	to Panama Canal Treaty of 1977; re-
	port to Congress.
	(c) Restriction on transfer of Panama
	Canal and certain other property.
P	ART 6—TOLLS FOR USE OF PANAMA CANAL
3791.	Prescription of measurement rules and rates
	of tolls.
3792.	Bases of tolls.
	(a) Tolls based on net vessel tons and on
	displacement tonnage.
	(b) Toll rates prescribed to cover all
	costs of operation and maintenance
	of Panama Canal.
	(c) Payment of tolls by vessels of United
	States. (d) Levy of tolls.
3793.	Interest on investments.
0100.	(a) Calculation of interest.
	(b) Increases and decreases in investment
	of United States.
	(c) Value of property transferred to Com-
	mission.
	(d) Payment and deposit of interest.
3794.	Procedures.
	(a) Publication of notice of proposed
	changes in rules of measurement
	and rates of tolls in Federal Reg-
	ister; participation by interested
	parties; availability of analysis.
	(b) Revision of proposed rules of meas-

urement or rates of tolls.

(c) Publication of notice of changes in rules of measurement and rates of tolls in Federal Register.

(d) Judicial review.

3795 Repealed.

PART 7—GENERAL REGULATIONS

3801, 3802. Repealed.

PART 8—SHIPPING AND NAVIGATION

SUBPART I-OPERATION OF CANAL

3811. Operating regulations.

SUBPART II—INSPECTION OF VESSELS

Vessels subject to inspection. 3821.

3822 Foreign vessels. Sec

3823. Regulations governing inspection.

SUBCHAPTER II—TREATY TRANSITION PERIOD

PART 1—LAWS CONTINUED IN FORCE

3831. Repealed.

PART 2—COURTS

3841 to 3844. Repealed.

PART 3—TRANSITION AUTHORITY

3851, 3852, Repealed.

SUBCHAPTER III—GENERAL PROVISIONS

PART 1—PROCUREMENT

3861. Procurement system.

- (a) Panama Canal Acquisition Regulation.
- (b) Supplement to Regulation.
- (c) Waiver authority.
- (d) Consultation with Administrator for Federal Procurement Policy. (e) Effective date.

3862. Panama Canal Board of Contract Appeals.

- (a) Establishment.
- (b) Exclusive jurisdiction to decide appeals.
- (c) Exclusive jurisdiction to decide protests.
- (d) Procedures.
- (e) Commencement.
- (f) Transition.
- (g) Other functions.

PART 2—ADMINISTRATION

3871. Annual report.

3872. Notification requirements.

3873. Exemption from Metric Conversion Act of

## § 3601. Congressional statement of purpose

It is the purpose of this chapter to provide legislation necessary or desirable for the implementation of the Panama Canal Treaty of 1977 between the United States of America and the Republic of Panama and of the related agreements accompanying that Treaty.

(Pub. L. 96-70, §2, Sept. 27, 1979, 93 Stat. 455.)

#### References in Text

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 96-70, Sept. 27, 1979, 93 Stat. 452, known as the Panama Canal Act of 1979, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note below and Tables.

#### EFFECTIVE DATE

Section 3304 of Pub. L. 96-70 provided that: "Except as provided in sections 1231 [enacting section 3671 of this title and amending sections 5595, 5724a, and 8102 of Title 5, Government Organization and Employees], 1232 [enacting section 3672 of this title and provisions set out as a note under section 3672 of this title], 1241 [amending section 8336 of Title 5 and enacting provisions set out as notes under section 8336 of Title 5], 1242 [amending section 8339 of Title 5 and enacting provisions set out as notes under section 8339 of Title 5], 1261 [enacting section 3691 of this title and provisions set out as a note under section 3691 of this title], 1605 [enacting section 3795 of this title and provisions set out as a note under section 3795 of this title], 2203 [enacting section 3843 of this title and provisions set out as a note under section 3843 of this title], 2402 [enacting section 3852 of this title and provisions set out as a note under section